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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/997,408	11/30/2001	Elise Y. Tung Loo	21756-012600	2426
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TOWNSEND AND TOWNSEND AND CREW LLP TWO EMBARCADERO CENTER 8TH FLOOR SAN FRANCISCO, CA 94111-3834				
			EXAMINER HARRELL, ROBERT B	
			ART UNIT 2142	PAPER NUMBER

DATE MAILED: 02/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/997,408

Applicant(s)

TUNG LOO ET AL.

Examiner

Robert B. Harrell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>20050314</u> . | 6) <input checked="" type="checkbox"/> Other: <u>see attached Office Action</u> .       |

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1. Claims 1-24 remain for examination.
2. The Replacement Specification filed 05 December 2005 is not acceptable and has not, yet, been entered as the standing Specification since examiner never made any requirements for such, but will accept any, and since there is no statement that such a Replacement Specification does not contain a phrase such as "the Replacement Specification contains no New Matter". Therefor, the applicant is required to resubmit the Replacement Specification, with such a statement on a separate paper to be fully responsive to this Office Action, and such a specification must be restricted to only claimed subject matter.
3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
4. The applicant should use this period for response to thoroughly and very closely proof read and review the whole of the application for correct correlation between reference numerals in the textual portion of the Specification and Drawings along with any minor spelling errors, general typographical errors, accuracy, assurance of proper use for Trademarks <sup>TM</sup>, and other legal symbols ®, where required, and clarity of meaning in the Specification, Drawings, and specifically the claims (i.e., provide proper antecedent basis for "the" and "said" within each claim). Minor typographical errors could render a Patent unenforceable and so the applicant is strongly encouraged to aid in this endeavor.
5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this action:

**A person shall be entitled to a patent unless -**

**(e) the invention was described in — (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language;**

6. **Claims 1-24 (i.e., all pending claims) rejected under 35 U.S.C. 102 (e)** as being anticipated by Freeman et al. (US 6,785,726 B1).

7. Prior to addressing the grounds of the rejections below, should this application ever be the subject of public review by third parties not so versed with the technology (i.e., access to IFW through Public PAIR (as found on <http://portal.uspto.gov/external/portal/pair>)), this Office action will usually refer an applicant's attention to relevant and helpful elements, figures, and/or

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text upon which the Office action relies to support the position taken. Thus, the following citations are neither all-inclusive nor all-exclusive in nature *as the whole of the reference is cited* and relied upon in this action as part of the substantial evidence of record. Also, no temporal order was claimed for the acts and/or functions. Giving the claims their broadest reasonable interpretation, the claims encompass remote processing of requests generated from a local server to a remote server where blocking new requests encompasses not servicing new requests, and/or atomic non-interruptible operations, and/or the servicing operation (and/or subroutine) has no ability to accept subsequent requests, until the request is serviced by an operation; and or, a wait operation while a current operation is concluded.

8. Per claim 1, Freeman taught a method (e.g., see Title) for a set of servers (e.g., see figure 1) to respond to a request for a remote operation (e.g., see Abstract), wherein said request is issued in a local server in said set of servers (e.g., see col. 20 (line 42-et seq.)), said method comprising the steps of said local server performing a local operation arising from said request (e.g., see col. 20 (line 42-et seq.)), wherein said step (a) includes the steps of: said local server blocking new requests in response to said request (i.e., accepts no new requests), said local server completing service of requests in progress (i.e., until current request is completed), and said local server executing said local operation (e.g., see col. 20 (line 42-et seq.)); and (b) a remote server in said set of servers performing said remote operation arising from said request (e.g., see col. 21 (line 1-et seq.)), wherein said step (b) includes the steps of said remote server blocking new requests in response to said request (i.e., accepts no new requests), said remote server completing service of requests in progress (i.e., until current request is completed), and (3) said remote server executing said remote operation (e.g., see col. 21 (line 1-et seq.)). For example, each server performs atomic cache operations in response to a request (i.e., a request causing a cache miss results in flushing the cache during which time no other requests could be honored).

9. Per claims 2 and 3, see Abstract and col. 21 (line 1-et seq.) in that the request was sent of a message channel per col. 26 (line 65-et seq.)

10. Per claims 4 and 7, see col. 8 (line 45-et seq.) for the recited selected modules.

11. Per claim 5, see Abstract and col. 21 (line 1-et seq.).

12. Per claims 6 and 8, see col. 17 (line 22-et seq.) and/or col. 32 (line 45-et seq.).

13. Per claims 9 and 10, see col. 29 (line 30et seq.) and col. 5 (line 37-et seq.) with the Internet, and related bridges and/or routers and/or exc... being the access system.

14. Per claims 11-24, these claims do not teach or defined above the correspondingly rejected claims given above, and are thus rejected for the same reasons given above. That is, col. 6 (line 16) indicated the system, servers, used/were one or more readable storage devices with one or more processors reading one or more programming code as a system with one or more communication interfaces generating the recited limitations/elements given above that blocked

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(wait) to perform a current task (i.e., flushing/updating a cache is/was an atomic operation) until subsequent requests were acceptable at which time the block was unblocked for new requests.

15. The above recited text was presented in examiner prior Office Action which is hereby incorporated in this FINAL Office Action by reference and continues.

16. The applicant's 05 December 2005 response argued the above rejection in substance by stating:

a) Freeman does not disclose causing the destination system to block new requests. However, as noted in the applicant's response, Freeman taught queuing event to be handled. Since the event was queued and processing not begun/started, such was/is the equivalent of blocking (i.e., the request was/is blocked from the run process/state) the request from the run state and from the actual processor and associated software running thereon. It should be further noted that Freeman recited a queue, which was anticipated to become full in those cases where traffic was heavy and thus a request would inherently become blocked thereto from the queue. Also, per col. 31 (lines 5-6), since the thread was blocked from further execution, the thread was unable to generate new requests thus also blocking any subsequent request from the thread until the server completed service or requests in progress;

b) Freeman does not disclose causing the remote system to block new requests. However, as noted in the applicant's response, Freeman taught queuing event to be handled. Since the event was queued and processing not begun/started, such was/is the equivalent of blocking (i.e., the request was/is blocked from the run process/state) the request from the run state and from the actual processor and associated software running thereon. It should be further noted that Freeman recited a queue, which was anticipated to become full in those cases where traffic was heavy and thus a request would inherently become blocked thereto from the queue. Also, per col. 31 (lines 5-6), since the thread was blocked from further execution, the thread was unable to generate new requests thus also blocking any subsequent request from the thread until the server completed service or requests in progress;

**17. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

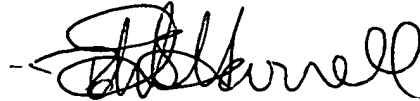
18. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert B. Harrell whose telephone number is (571) 272-3895. The examiner can normally be reached Monday thru Friday from 5:30 am to 2:00 pm and on weekends from 6:00 am to 12 noon Eastern Standard Time.

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20. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew T. Caldwell, can be reached on (571) 272-3868. The fax phone number for all papers is (703) 872-9306.

21. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600.

A handwritten signature in black ink, appearing to read "R. Harrell", with a horizontal line extending from the left side.

ROBERT B. HARRELL  
PRIMARY EXAMINER  
GROUP 2142